

Chief Judge David G. Estudillo

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MINNA R. LONG,

Plaintiff,

v.

U.S. DEPARTMENT OF LABOR, OFFICE
OF LABOR-MANAGEMENT
STANDARDS,

Defendant.

CASE NO. 3:23-cv-05822-DGE

STIPULATED MOTION AND ORDER
REGARDING SCHEDULING AND
DEADLINES

Noted for Consideration:
December 8, 2023

JOINT STIPULATION

Pro Se Plaintiff Minna R. Long filed this case against the U.S. Department of Labor, Office of Labor-Management Standards (OLMS) requesting the Court to grant her an exemption under 29 U.S.C. § 504, which bars her from serving in certain union positions due to a prior conviction for robbery. The applicable statute prohibits, *inter alia*, individuals with a robbery conviction from serving “as an officer, director, trustee, member of any executive board or similar governing body, business agent, manager, organizer, employee, or representative in any capacity of any labor organization” for a period of “thirteen years after such conviction or after the end of such imprisonment, whichever is later. . . .” 29 U.S.C. § 504(a); *see also see United*

1 *States v. Cullison*, 422 F. Supp. 2d 65, 67-68 (D.D.C. 2006). The statute empowers United
2 States District Courts in the District where the offense was committed to grant exemptions from
3 the prohibition after holding a hearing and considering the purpose of the statute. *Id.*

4 Ms. Long initially filed a Complaint on September 9, 2023, seeking an exemption to
5 serve as the Executive Secretary for the Columbia Pacific Building & Construction Trades
6 Council. Dkt. 1. Although her initial Complaint named the U.S. Attorney for the Western
7 District of Washington as the defendant, she later amended the Complaint to name OLMS as the
8 sole defendant. Dkt. 6. Ms. Long also clarified that she seeks an exemption for two separate
9 positions, both the Executive Secretary position and her position of employment, which at the
10 time was as a Strategic Programs Manager at the Washington State Building and Construction
11 Trades Council. Dkt. 10. Ms. Long served the U.S. Attorney's Office in September of 2023
12 and, on October 6, 2023, mailed a copy of the Summons and Complaint to the Attorney General
13 for the United States and OLMS. Accordingly, service was perfected on or about October 9, 2023.

14 In accordance with a memoranda of understanding between the Secretary of Labor and
15 the Attorney General, the Department of Labor is responsible for conducting the investigation
16 concerning the appropriateness of granting a motion to reduce the length of employment
17 disability or a petition for exemption from disqualification under 29 U.S.C. § 504. *See*
18 Department of Justice Manual 9-138.130 (“[O]rdinarily it will be necessary to seek a
19 continuance of the proceeding in order to . . . provide sufficient time for any necessary
20 investigation by the Office of Labor-Management Standards . . . of the Department of Labor.”).
21 After the investigation is complete, OLMS files a brief setting forth its position to the Court.
22 The brief also serves as the Answer of OLMS, and the Court then holds a hearing on whether to
23 grant the requested exemption.

In this case, OLMS started an investigation into Ms. Long's request after receiving her Complaint. OLMS investigators recently completed the investigation, and the relevant decision makers at OLMS are now reviewing the information gathered by investigators and formulating a position on whether to oppose Ms. Long's request. After coming to a final decision, DOL attorneys will draft a brief explaining OLMS' position to the Court and work with the U.S. Attorney's Office to prepare for a hearing. This process will likely take until approximately the middle of January of 2024.

On October 16, 2023, the Court issued an Order Regarding Initial Disclosures, Joint Status Report, Discovery, Depositions and Early Settlement (Dkt. 8) setting forth the following deadlines:

<u>Event</u>	<u>Deadline</u>
FRCP 26(f) Conference	January 2, 2024
Initial Disclosures	January 8, 2024
Joint Status Report	January 16, 2024
Scheduling Conference	Scheduled for January 26, 2024, at 9:00 AM on Zoom

The parties have already consulted by telephone and email and conducted a FRCP 26(f) conference. The parties believe that due to the unique nature of this case, it would make sense to modify the current deadlines to accommodate time for OLMS to make its decision and for counsel to draft a brief and prepare for a hearing. The parties are filing this stipulation both to update the Court on the status of the case and to request modifications to the case scheduling order. The parties hereby STIPULATE, AGREE and JOINTLY REQUEST the Court to impose the following deadlines in lieu of the deadlines set forth in its Order of October 16, 2023:

<u>Event</u>	<u>Deadline</u>
The parties file joint status report requesting a hearing date	January 16, 2024
Defendant files brief with supporting exhibits in response to Plaintiff's request for exemptions, which also serves as Defendant's Answer	January 22, 2024
Plaintiff has opportunity to file additional materials in support of her request for exemptions, if she so chooses	January 31, 2024

The parties anticipate that after the parties request a date, the Court will schedule a hearing at which it will consider Plaintiff's request for exemptions, including her Complaint and related documents, Defendant's brief and supporting exhibits, and any additional documents provided by Plaintiff. The parties anticipate that the Court will then render its own decision on Plaintiff's request.

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1 For the reasons set forth above, the parties believe that there is good cause for the Court
2 to order the schedule set forth above.

3 SO STIPULATED.

4 DATED this 8th day of December, 2023.

5 TESSA M. GORMAN
Acting United States Attorney

6 s/ Rebecca S. Cohen
7 REBECCA S. COHEN, WSBA #31767
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11 *Attorneys for Defendant*

12 I certify that this memorandum contains
13 852 words, in compliance with the Local
14 Civil Rules.

s/ Minna R. Long
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Pro Se Plaintiff

ORDER

It is hereby ORDERED that the parties' stipulated motion is GRANTED. The deadlines set forth in the Court's Order of October 16, 2023, and the scheduling conference previously scheduled for January 26, 2024, are hereby stricken. The following deadlines are imposed:

<u>Deadlines</u>	
Deadline for the parties to file joint status report requesting a hearing date	January 16, 2024
Deadline for Defendant to file a brief with supporting exhibits in response to Plaintiff's request for exemptions, which will also serve as Defendant's Answer	January 22, 2024
Deadline for Plaintiff to file additional materials in support of her request for exemptions, if she so chooses	January 31, 2024

DATED this 4th day of January, 2023.



David G. Estudillo
United States District Judge